REMARKS

Claims 1-34 are pending in the subject application. The Examiner alleges that the claims are directed to seven distinct and independent inventions as follows:

I. Claims 1-7 and 12, directed to the nucleic acid molecules, a vector, a recombinant cell, and a method for expressing an SBP1 polypeptide;

II. Claims 8-11 and 34, directed to the SBP1 polypeptide of SEQ ID NO: 14, a fragment thereof, or a chimeric protein;

III. Claims 13-16, directed to an antibody to SEQ ID NO: 14;

IV. Claim 17, directed to a transgenic non-human mammal expressing SEQ ID NO:13;

V. Claims 18-19, directed to a method for detecting a SBP polynucleotide;

VI. Claim 20, directed to a method for detecting a SBP polypeptide, and

VII. Claim 21, directed to a method for identifying an agent that alters the association of SBP1 with a SBP1 associated polypeptide.

The Office Action is requiring restriction to a single disclosed invention under 35 U.S.C. §121. Applicant traverses the Restriction Requirement for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicant elects the invention of Group II, claims 8-11 and 34, directed to an SBP1 polypeptide of SEQ ID NO:14, a functional fragment thereof or a chimeric protein having a SBP1 domain.

Applicant traverses the Restriction Requirement with respect to the division of the claims of Group II from the claims of all other groups. Applicant submits that, while the claims of each group are patentably distinct from the claims all other groups, a thorough search of the elected claims will include art relevant to the claims of all other groups because each group includes a search of the SBP1 amino acid sequence set forth as SEQ ID NO:14.

For example, the invention of Group II, claims 8-11 and 34, is directed an isolated SBP1 polypeptide of SEQ ID NO:14 or functional fragment thereof. The invention of Group I, claims 1-7 and 12, is directed to a nucleic acid encoding a SBP1 polypeptide having an amino acid sequence set forth in SEQ ID NO:14. Similarly, the invention of Group III, claims 13-16, is directed to an antibody reactive with a SBP1 polypeptide of SEQ ID NO: 14 while the invention of Group IV, claim 17, is directed to a transgenic non-human mammal expressing a nucleic acid encoding a SBP1 polypeptide of SEQ ID NO:14. Further, the methods of the inventions of Group V, claims 18-19, directed to a method for detecting a polynucleotide encoding a SBP1 polypeptide of SEQ ID NO:14; Group VI, claim 20, directed to a method for detecting a SBP polypeptide of SEQ ID NO:14, and Group VII, claim 21, directed to a method for identifying an agent that alters an association of SBP1 of SEQ ID NO:14, all relate to a SBP1 polypeptide of SEQ ID NO:14. Therefore, a search of Group II claims will include art relevant to the invention of Groups I and Groups III-VII because all groups of claims include an element directed to SEQ ID NO:14.

In light of the above remarks, Applicant submits that search and examination of the entire application does not pose a serious burden to the Examiner. Therefore, Applicant respectfully requests rejoinder and examination of all groups of claims, Groups I and III-VII, together with the invention of Group II because it would not pose a serious burden on the Examiner. Conversely, the division of claims 1-34 into seven separate inventions for examination would necessitate a largely duplicative effort by the U.S. Patent and Trademark Office and represent a noneconomical utilization of governmental resources. Because joint examination of claims 1-34, will not result in a serious burden on the Examiner, rejoinder of Group II with Groups I and III-VII is respectfully requested.

If rejoinder is denied for all or some of the restricted claims, Applicant respectfully requests a "second-eye review" as now implemented under the Restriction Practice Action Plan. Under the Action Plan, rejoinder practice is viewed favorably when examination of claims together would not pose a serious burden on the Examiner.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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